

teaches ultrasonic welding and that one of ordinary skill in the art would have been motivated by the APA to modify Swengel to include ultrasonic welding

First, Swengel is deficient with respect to more than just ultrasonic welding. For example, Swengel fails to teach or suggest compressing a connecting member radially inwardly so as to caulk an inserted portion of the electric wire, as set forth in claim 1. The Examiner asserts that sleeve 24 of Swengel constitutes a conductive connecting member and that electrical lead 10 constitutes an electric wire. Swengel simply fails to teach compressing the sleeve 24 radially inwardly to caulk an inserted portion of the electrical lead 10. This can be seen at least in Figs. 4-7, which show that the sleeve 24 maintains its shape. Additionally, the Examiner fails to identify any alleged compressing of the sleeve 24 radially inwardly to caulk an inserted portion of the electric lead 10. Nothing in the APA corrects this deficiency of Swengel.

Furthermore, one of ordinary skill in the art would not have been motivated to modify Swengel as suggested by the Examiner. Swengel teaches a preferred welding method (*see* column 3, lines 18-75). Specifically, Swengel teaches that it is preferable to bring an electrode into contact with the face of the weld site and then drawn away to initiate an arc across the pieces (*see* Fig. 6 and column 3, lines 33-36). Swengel teaches that when the preferred method is used, a weld bead forms a mechanical union which resists pull-out or fracture (*see* column 3, lines 63-75). In view of Swengel's teaching of the advantages of the particular weld, there would have been no motivation for one of ordinary skill in the art to have modified Swengel to use ultrasonic welding as taught by the APA. Furthermore, the APA is directed to welding without a conductive connecting member. Absent the present application, there is no motivation or suggestion to use the ultrasonic welding with a conductive connecting member. The APA does

not provide the motivation, because it teaches ultrasonic welding without a conductive connecting member. Because there is no motivation for ultrasonic welding with a conductive connecting member outside of the present disclosure, the Examiner's proposed use of ultrasonic welding with a conductive connecting member appears to be based on improper hindsight. Therefore, claim 1 is allowable over the combination of Swengel and the APA both because the combination is deficient and because one of ordinary skill in the art would not have been motivated to modify the Swengel as suggested by the Examiner.

Claims 2 and 3 depend from claim 1, and we would submit that they are allowable at least because of their dependency.

Claim 4 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Swengel, the APA and further in view of Newman. Claim 4 depends from claim 1. Nothing in Newman corrects the above-noted deficiencies of the combination of Swengel and the APA with respect to claim 1. Accordingly, even if it were appropriate to modify Swengel and the APA as suggested by the Examiner, the combination would still be deficient.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No. 10/634,847

Q76879

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Brian W. Hannon
Registration No. 32,778

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE
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